

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2007-1516-PWS-E    **TCEQ ID:** RN101255800    **CASE NO.:** 34636  
**RESPONDENT NAME:** City of Tatum

Page 1 of 3

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Tatum Public Water Supply, 680 Crystal Farms Road, Tatum, Rusk County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 10, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077;  Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> The Honorable Phil Cory, Mayor, City of Tatum, 680 Crystal Farms Road, Tatum, Texas 75691  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> July 18, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> September 7, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failed to prevent livestock from being within 50 feet of the water supply well [30 TEX. ADMIN. CODE § 290.41(c)(1)(D)].</p> <p>2) Failed to secure a sanitary control easement covering all property within 150 feet of the water system's two active wells [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>3) Failed to provide adequate ventilation to the outside atmosphere for the housed anhydrous ammonia equipment located at Plant No. 1 [30 TEX. ADMIN. CODE § 290.42(e)(6)].</p> <p>4) Failed to compile and maintain a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>5) Failed to provide a properly constructed intruder-resistant fence in order to protect the system's ground and elevated storage tanks and failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the systems facilities and equipment [30 TEX. ADMIN. CODE §§ 290.43(e) and 290.46(m)].</p> <p>6) Failed to maintain records of water works operation and maintenance activities and make them available to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)].</p>	<p><b>Total Assessed:</b> \$2,343</p> <p><b>Total Deferred:</b> \$468  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,875</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Prepare and begin maintaining a thorough plant operations manual for operator review and reference;</p> <p>ii. Provide a functional ventilation fan where the anhydrous ammonia is housed;</p> <p>iii. Prepare and begin maintaining an up-to-date chemical and microbiological monitoring plan;</p> <p>iv. Ensure that monthly water works operation reports and maintenance records are properly completed and maintained, including but not limited documenting activities of water line repairs;</p> <p>v. Ensure that the calcium hypochlorination solution container is completely covered and properly sealed; and</p> <p>vi. Conduct an annual inspection of the system's ground and elevated storage tanks.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit documentation to show that the interior coating applied to the ground storage tank at Plant No. 3 conforms to ANSI/NSF 61 Standard; and</p> <p>ii. Repair the barbed wire on the intruder-resistant fence around the raw water storage tank at Plant No. 2 and trim or remove tree branches and vines that are growing through the fence around the elevated storage tank and standpipe at Plant No. 2.</p>

<p>7) Failed to inspect the system's ground and elevated storage tanks annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>8) Failed to provide documentation that all chemicals or replacement process media used in the interior coating applied to the ground storage tank at Plant No. 3 conform to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 61 for indirect additives [30 TEX. ADMIN. CODE § 290.42(j)].</p> <p>9) Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the water system [30 TEX. ADMIN. CODE § 290.121(a)].</p> <p>10) Failed to completely cover the hypochlorination solution container top to prevent the entrance of dust, insects, and other contaminants [30 TEX. ADMIN. CODE § 290.42(e)(5)].</p>		<p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision c.</p> <p>e. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Obtain a sanitary control easement that covers the land within 150 feet of each well, as required by 30 TEX. ADMIN. CODE § 290.41 or obtain an exception to the rule; and</p> <p>ii. Ensure that livestock are not allowed within 50 feet of each well.</p> <p>f. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.</p>
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Additional ID No(s): 2010034







# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

<b>DATES</b>	<b>Assigned</b>	10-Sep-2007	<b>Screening</b>	17-Sep-2007	<b>EPA Due</b>	
	<b>PCW</b>	18-Sep-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Tatum
<b>Reg. Ent. Ref. No.</b>	RN101255800
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	34636	<b>No. of Violations</b>	10
<b>Docket No.</b>	2007-1516-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Yuliya Dunaway
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$1,910**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **7% Enhancement** **Subtotals 2, 3, & 7** **\$133**

**Notes** The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one dissimilar prior NOV.

**Culpability** **No** **0% Enhancement** **Subtotal 4** **\$0**

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **0% Reduction** **Subtotal 5** **\$0**

Before NOV    NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes** The Respondent does not meet the good faith criteria.

**Total EB Amounts** **\$476** **0% Enhancement\*** **Subtotal 6** **\$0**  
**Approx. Cost of Compliance** **\$3,450** **\*Capped at the Total EB \$ Amount**

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$2,043**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **15%** **Adjustment** **\$300**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes** Enhancement recommended for recovery of avoided costs of compliance.

**Final Penalty Amount** **\$2,343**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$2,343**

**DEFERRAL** **20%** **Reduction** **Adjustment** **-\$468**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$1,875**

<b>Screening Date</b>	17-Sep-2007	<b>Docket No.</b>	2007-1516-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Tatum	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	34636	<i>PCW Revision June 26, 2007</i>		
<b>Reg. Ent. Reference No.</b>	RN101255800			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 7%

#### >> Repeat Violator (Subtotal 3)

N/A **Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Average Performer **Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

##### Compliance History Notes

The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action and one dissimilar prior NOV.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 7%

<b>Screening Date</b>	17-Sep-2007	<b>Docket No.</b>	2007-1516-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Tatum	<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b>	34636	<small>PCW Revision June 26, 2007</small>		
<b>Reg. Ent. Reference No.</b>	RN101255800			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(1)(D)			
<b>Violation Description</b>	<p>Failed to prevent livestock from being within 50 feet of the water supply well. Specifically, at the time of the investigation, it was noted that a livestock fence was approximately 15 feet from well No. 2 and livestock feces were observed adjacent to the well.</p>			
<b>Base Penalty</b>				\$1,000

  

**>> Environmental, Property and Human Health Matrix**

OR		<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor		
	Actual					
	Potential	x			<b>Percent</b>	25%

  

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor		
					<b>Percent</b>	0%

**Matrix Notes**  
 Failure to prevent livestock from being within 50 feet of the water supply well could result in the contamination of the water supply and/or exposure of customers to a significant amount of pollutants which would exceed levels that are protective of human health.

**Adjustment** \$750

  

**Adjustment** \$250

  

**Violation Events**

Number of Violation Events	2	61	Number of violation days
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<small>mark only one with an x</small>	daily		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

Two monthly events are recommended from the date of the investigation, July 18, 2007, to the date of screening, September 17, 2007.

**Violation Base Penalty** \$500

  

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	Violation Final Penalty Total
\$55	\$613
This violation Final Assessed Penalty (adjusted for limits)	
\$613	

**Economic Benefit Worksheet**

Respondent City of Tatum  
 Case ID No. 34636  
 Reg. Ent. Reference No. RN101255800  
 Media Public Water Supply  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	18-Jul-2007	1-May-2008	0.8	\$3	\$53	\$55
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed costs include the amount to relocate the livestock fence so that livestock are kept at least 50 feet from the water supply well, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$1,000

TOTAL

\$55

<b>Screening Date</b> 17-Sep-2007 <b>Respondent</b> City of Tatum <b>Case ID No.</b> 34636 <b>Reg. Ent. Reference No.</b> RN101255800 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Yuliya Dunaway <b>Violation Number</b> 2 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.41(c)(1)(F)	<b>Docket No.</b> 2007-1516-PWS-E <div style="text-align: right;"> <b>PCW</b>  <small>Policy Revision 2 (September 2002)          PCW Revision June 26, 2007</small> </div>
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**Violation Description** Failed to secure a sanitary control easement covering all property within 150 feet of the water system's two active wells. Specifically, at the time of the investigation, there were no sanitary control easements for well Nos. 2 and 3.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

OR

Release	Major	Moderate	Minor
Actual			
Potential			x

**Percent** 5%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0%

**Matrix Notes** Failure to secure a sanitary control easement could expose customers of the water supply to an insignificant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$950

**\$50**

**Violation Events**

**Number of Violation Events** 2

**61** **Number of violation days**

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$100

Two single events (one for each well) are recommended.

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** \$8

**Statutory Limit Test**

**Violation Final Penalty Total** \$123

**This violation Final Assessed Penalty (adjusted for limits)** \$123

**Economic Benefit Worksheet**

Respondent: City of Tatum  
 Case ID No. 34638  
 Reg. Ent. Reference No. RN101255800  
 Media: Public Water Supply  
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	18-Jul-2007	1-May-2008	0.8	\$8	n/a	\$8
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed costs include the amount to secure a sanitary control easement and file the easements in the county courthouse, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$200

TOTAL

\$8



<b>Screening Date</b> 17-Sep-2007	<b>Docket No.</b> 2007-1516-PWS-E	<b>PCW</b>
<b>Respondent</b> City of Tatum	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 34636	<small>PCW Revision June 26, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN101255800		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Yuliya Dunaway		
<b>Violation Number</b>	3	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(e)(6)	
<b>Violation Description</b>	<p>Failed to provide adequate ventilation to the outside atmosphere for the housed anhydrous ammonia equipment located at plant No. 1. Specifically, at the time of the investigation, the fan where the anhydrous ammonia is stored was not operational.</p>	
<b>Base Penalty</b>		\$1,000

  

**>> Environmental, Property and Human Health Matrix**

OR		<b>Release</b>	<b>Harm</b>				
			Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		
					<b>Percent</b>	25%	

  

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		
					<b>Percent</b>	0%

  

<b>Matrix Notes</b>	Failure to provide adequate ventilation where the anhydrous ammonia is being housed could expose personnel to a significant amount of contaminants that would exceed levels protective of human health.
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<b>Adjustment</b>	\$750
	\$250

  

**Violation Events**

Number of Violation Events	2		61	Number of violation days
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mark only one with an x	daily <input type="text"/>	monthly <input checked="" type="text"/>	quarterly <input type="text"/>	semiannual <input type="text"/>	annual <input type="text"/>	single event <input type="text"/>	
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<b>Violation Base Penalty</b>	\$500
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Two monthly events are recommended from the date of the investigation, July 18, 2007 to the date of screening, September 17, 2007.

  

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	\$25
	<b>Violation Final Penalty Total</b>
	\$613
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$613	

**Economic Benefit Worksheet**

Respondent City of Tatum  
Case ID No. 34636  
Reg. Ent. Reference No. RN101255800  
Media Public Water Supply  
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment	\$500	18-Jul-2007	1-Apr-2008	0.7	\$1	\$24	\$25
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to provide a working forced air ventilation system, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$25



<b>Screening Date</b> 17-Sep-2007 <b>Respondent</b> City of Tatum <b>Case ID No.</b> 34636 <b>Reg. Ent. Reference No.</b> RN101255800 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Yuliya Dunaway <b>Violation Number</b> 4 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.42(l) <b>Violation Description</b> Failed to compile and maintain a thorough plant operations manual for operator review and reference.	<b>Docket No.</b> 2007-1516-PWS-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>
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**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

OR	<b>Release</b>	<b>Harm</b>			<b>Percent</b>
		Major	Moderate	Minor	
	Actual				
	Potential				0%

**>> Programmatic Matrix**

<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b>
	x			
Matrix Notes	100% of the rule requirements were not met.			

**Adjustment** \$900

\$100

**Violation Events**

Number of Violation Events	1	61	Number of violation days
----------------------------	---	----	--------------------------

mark only one with an x	daily		<b>Violation Base Penalty</b>
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

\$100

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	Violation Final Penalty Total
\$11	\$123
This violation Final Assessed Penalty (adjusted for limits)	
\$123	

**Economic Benefit Worksheet**

Respondent: City of Tatum  
 Case ID No. 34636  
 Reg. Ent. Reference No. RN101255800  
 Media: Public Water Supply  
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$300	18-Jul-2007	1-Apr-2008	0.7	\$11	n/a	\$11
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to prepare and maintain a plant operations manual; calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$11

<b>Screening Date</b> 17-Sep-2007 <b>Respondent</b> City of Tatum <b>Case ID No.</b> 34636 <b>Reg. Ent. Reference No.</b> RN101255800 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Yuliya Dunaway <b>Violation Number</b> 5 <b>Rule Cite(s)</b> 30 Tex. Admin. Code §§ 290.43(e) and 290.46(m)	<b>Docket No.</b> 2007-1516-PWS-E	<b>PCW</b> <small>Policy Revision 2 (September 2002)          PCW Revision June 26, 2007</small>																
<b>Violation Description</b> Failed to provide a properly constructed intruder-resistant fence in order to protect the system's ground and elevated storage tanks and failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the systems facilities and equipment. Specifically, at the time of the investigation, the fence around the raw water storage tank at Plant No. 2 had broken barbed wire and the fence around the elevated storage tank and standpipe at Plant No. 2 had trees and vines growing through and over the fence.																		
<b>Base Penalty</b>		\$1,000																
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																		
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td><b>Release</b></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> </table>		Harm			<b>Release</b>	Major	Moderate	Minor	Actual				Potential			x	<b>Percent</b> 5%
	Harm																	
<b>Release</b>	Major	Moderate	Minor															
Actual																		
Potential			x															
<b>&gt;&gt; Programmatic Matrix</b>																		
	<table border="1" style="margin: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Falsification	Major	Moderate	Minor						<b>Percent</b> 0%						
	Falsification	Major	Moderate	Minor														
Matrix Notes	Failure to provide proper intruder-resistant protection for the ground and elevated storage tanks could expose customers of the water system to an insignificant amount of contaminants which would not exceed levels that are protective of human health.																	
<b>Adjustment</b>		\$950																
		\$50																
<b>Violation Events</b>																		
Number of Violation Events <span style="border: 1px solid black; padding: 2px 10px;">3</span>		<span style="border: 1px solid black; padding: 2px 10px;">61</span> Number of violation days																
mark only one with an x	<table border="1" style="margin: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	x	<b>Violation Base Penalty</b> \$150				
daily																		
monthly																		
quarterly																		
semiannual																		
annual																		
single event	x																	
Three single events (one for each location) are recommended.																		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																
Estimated EB Amount <span style="border: 1px solid black; padding: 2px 20px;">\$25</span>		Violation Final Penalty Total <span style="border: 1px solid black; padding: 2px 20px;">\$184</span>																
		This violation Final Assessed Penalty (adjusted for limits) <span style="border: 1px solid black; padding: 2px 20px;">\$184</span>																

## Economic Benefit Worksheet

**Respondent** City of Tatum  
**Case ID No.** 34636  
**Reg. Ent. Reference No.** RN101255800  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	18-Jul-2007	1-Apr-2008	0.7	\$1	\$24	\$25
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to repair the broken barbed wire and to cut and/or remove the trees and vines growing through the system's intruder-resistant fences, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$25

<b>Screening Date</b> 17-Sep-2007 <b>Respondent</b> City of Tatum <b>Case ID No.</b> 34636 <b>Reg. Ent. Reference No.</b> RN101255800 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Yuliya Dunaway <b>Violation Number</b> 6 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.46(f)  <b>Violation Description</b> Failed to maintain records of water works operation and maintenance activities and make them available to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, the City failed to document a portion of all maintenance activities which includes documentation of water line repairs.	<b>Docket No.</b> 2007-1516-PWS-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>																
<b>Base Penalty</b> \$1,000																	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																	
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>Release</b></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table> <b>Percent</b> 0%	<b>Release</b>	<b>Harm</b>				Major	Moderate	Minor	Actual				Potential			
<b>Release</b>	<b>Harm</b>																
	Major	Moderate	Minor														
Actual																	
Potential																	
<b>&gt;&gt; Programmatic Matrix</b>																	
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td></td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> </table> <b>Percent</b> 1%	Falsification	Major	Moderate	Minor				x								
Falsification	Major	Moderate	Minor														
			x														
<b>Matrix Notes</b>	Approximately 10% of the rule requirements were not met.																
<b>Adjustment</b> \$990																	
<b>\$10</b>																	
<b>Violation Events</b>																	
Number of Violation Events 1      61 Number of violation days																	
mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">daily</td> <td></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td></td> </tr> <tr> <td style="text-align: center;">annual</td> <td></td> </tr> <tr> <td style="text-align: center;">single event</td> <td style="text-align: center;">x</td> </tr> </table> <b>Violation Base Penalty</b> \$10	daily		monthly		quarterly		semiannual		annual		single event	x				
daily																	
monthly																	
quarterly																	
semiannual																	
annual																	
single event	x																
One single event is recommended.																	
<b>Economic Benefit (EB) for this violation</b>																	
<b>Statutory Limit Test</b>																	
<b>Estimated EB Amount</b> \$7	<b>Violation Final Penalty Total</b> \$12																
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$12																	

**Economic Benefit Worksheet**

Respondent City of Tatum  
 Case ID No. 34636  
 Reg. Ent. Reference No. RN101255800  
 Media Public Water Supply  
 Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	18-Jul-2007	1-Apr-2008	0.7	\$7	n/a	\$7
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to properly prepare and maintain a record of maintenance activities, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$7



<b>Screening Date</b> 17-Sep-2007	<b>Docket No.</b> 2007-1516-PWS-E	<b>PCW</b>
<b>Respondent</b> City of Tatum	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 34636	<small>PCW Revision June 26, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN101255800		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Yuliya Dunaway		
<b>Violation Number</b> 7		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(m)(1)(A)	
<b>Violation Description</b>	Failed to inspect the system's ground and elevated storage tanks annually. Specifically, at the time of the investigation, the facility's raw water storage tank, elevated storage tank and standpipe were not inspected in the 12 months preceding the July 18, 2007 investigation.	
<b>Base Penalty</b>		\$1,000

  

**>> Environmental, Property and Human Health Matrix**

OR		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential		x		<b>Percent</b> 10%

  

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	
					<b>Percent</b> 0%

  

<b>Matrix Notes</b>	Failure to inspect the system's ground and elevated storage tanks could compromise the integrity of the water system and result in customers of the water supply being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.
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<b>Adjustment</b>	\$900
	\$100

  

**Violation Events**

	3	365	Number of violation days
--	---	-----	--------------------------

  

<small>mark only one with an x</small>	daily		monthly		quarterly		semiannual		annual	x		single event	
--	-------	--	---------	--	-----------	--	------------	--	--------	---	--	--------------	--

  

<b>Violation Base Penalty</b>	\$300
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Three annual events (one per tank) are recommended.

  

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> \$329	<b>Violation Final Penalty Total</b> \$368
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$368	

**Economic Benefit Worksheet**

Respondent City of Tatum  
Case ID No. 34636  
Reg. Ent. Reference No. RN101255800  
Media Public Water Supply  
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$300	18-Jul-2006	18-Jul-2007	1.9	\$29	\$300	\$329
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform annual storage tank inspections. Date Required is 12 months preceding the investigation date. Final Date is the investigation date.

Approx. Cost of Compliance **\$300****TOTAL** **\$329**



<b>Screening Date</b> 17-Sep-2007 <b>Respondent</b> City of Tatum <b>Case ID No.</b> 34636 <b>Reg. Ent. Reference No.</b> RN101255800 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Yuliya Dunaway <b>Violation Number</b> <input type="text" value="8"/> <b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 290.42(j)"/> <b>Violation Description</b> <input 61="" additives."="" ansi="" for="" indirect="" nsf")="" standard="" type="text" value="Failed to provide documentation that all chemicals or replacement process media used in the interior coating applied to the ground storage tank at Plant No. 3 conform to American National Standards Institute/National Sanitation Foundation ("/>	<b>Docket No.</b> 2007-1516-PWS-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>																														
<b>Base Penalty</b> <input type="text" value="\$1,000"/>																															
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OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%; text-align: center;"><b>Release</b></td> <td style="width: 20%; text-align: center;"><b>Harm</b></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">Major    Moderate    Minor</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table> <b>Percent</b> <input type="text" value="0%"/>		<b>Release</b>	<b>Harm</b>						Major    Moderate    Minor				Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>						
	<b>Release</b>	<b>Harm</b>																													
		Major    Moderate    Minor																													
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																										
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																										
<b>&gt;&gt; Programmatic Matrix</b>																															
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	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>																											
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	<input type="text"/>																										
Matrix Notes	<input type="text" value="100% of the rule requirements were not met."/>																														
<b>Adjustment</b> <input type="text" value="\$900"/>																															
<input type="text" value="\$100"/>																															
<b>Violation Events</b>																															
	<input type="text" value="1"/> <input type="text" value="61"/> Number of violation days																														
mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%; text-align: center;">daily</td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td>monthly</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>quarterly</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>semiannual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>annual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>single event</td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		daily					monthly	<input type="text"/>	<input type="text"/>	<input type="text"/>		quarterly	<input type="text"/>	<input type="text"/>	<input type="text"/>		semiannual	<input type="text"/>	<input type="text"/>	<input type="text"/>		annual	<input type="text"/>	<input type="text"/>	<input type="text"/>		single event	x	<input type="text"/>	<input type="text"/>
	daily																														
	monthly	<input type="text"/>	<input type="text"/>	<input type="text"/>																											
	quarterly	<input type="text"/>	<input type="text"/>	<input type="text"/>																											
	semiannual	<input type="text"/>	<input type="text"/>	<input type="text"/>																											
	annual	<input type="text"/>	<input type="text"/>	<input type="text"/>																											
	single event	x	<input type="text"/>	<input type="text"/>																											
<b>Violation Base Penalty</b> <input type="text" value="\$100"/>																															
<input type="text" value="One single event is recommended."/>																															
<b>Economic Benefit (EB) for this violation</b>																															
<b>Estimated EB Amount</b>	<input type="text" value="\$4"/>																														
<b>Statutory Limit Test</b>																															
<b>Violation Final Penalty Total</b>	<input type="text" value="\$123"/>																														
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$123"/>																															

## Economic Benefit Worksheet

**Respondent** City of Tatum  
**Case ID No.** 34636  
**Reg. Ent. Reference No.** RN101255800  
**Media** Public Water Supply  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	18-Jul-2007	1-Apr-2008	0.7	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

#### Notes for DELAYED costs

The delayed costs include the amount to obtain a certification of the chemicals used for the interior coating of the ground storage tank, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

<b>Screening Date</b>	17-Sep-2007	<b>Docket No.</b>	2007-1516-PWS-E	<b>PCW</b>																					
<b>Respondent</b>	City of Tatum	Policy Revision 2 (September 2002)																							
<b>Case ID No.</b>	34636	PCW Revision June 26, 2007																							
<b>Reg. Ent. Reference No.</b>	RN101255800																								
<b>Media [Statute]</b>	Public Water Supply																								
<b>Enf. Coordinator</b>	Yuliya Dunaway																								
<b>Violation Number</b>	9																								
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.121(a)																								
<b>Violation Description</b>	Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the water system. Specifically, at the time of the investigation, the monitoring plan only included sampling locations.																								
<b>Base Penalty</b>				\$1,000																					
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																									
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td><b>Release</b></td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Actual</b></td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Potential</b></td> <td></td> <td></td> <td></td> </tr> </table>					<b>Harm</b>				Major	Moderate	Minor	<b>Release</b>				<b>Actual</b>				<b>Potential</b>				Percent <input type="text" value="0%"/>
		<b>Harm</b>																							
		Major	Moderate	Minor																					
<b>Release</b>																									
<b>Actual</b>																									
<b>Potential</b>																									
<b>&gt;&gt; Programmatic Matrix</b>																									
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td><b>Falsification</b></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>					Major	Moderate	Minor	<b>Falsification</b>					x			Percent <input type="text" value="10%"/>								
	Major	Moderate	Minor																						
<b>Falsification</b>																									
	x																								
<b>Matrix Notes</b>	Approximately 80% of the rule requirements were not met.																								
<b>Adjustment</b>				\$900																					
				\$100																					
<b>Violation Events</b>																									
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="61"/>																							
mark only one with an x	daily																								
	monthly																								
	quarterly																								
	semiannual																								
	annual																								
	single event	x																							
<b>Violation Base Penalty</b>				\$100																					
One single event is recommended.																									
<b>Economic Benefit (EB) for this violation</b>																									
<b>Estimated EB Amount</b>		<b>Statutory Limit Test</b>																							
<input type="text" value="\$11"/>		<b>Violation Final Penalty Total</b>																							
		<input type="text" value="\$123"/>																							
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$123"/>																					

**Economic Benefit Worksheet**

Respondent City of Tatum  
 Case ID No. 34636  
 Reg. Ent. Reference No. RN101255800  
 Media Public Water Supply  
 Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$300	18-Jul-2007	1-Apr-2008	0.7	\$11	n/a	\$11
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed costs include the amount to prepare and maintain an up-to-date chemical and microbiological monitoring plan, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$300

TOTAL

\$11

<b>Screening Date</b> 17-Sep-2007 <b>Respondent</b> City of Tatum <b>Case ID No.</b> 34636 <b>Reg. Ent. Reference No.</b> RN101255800 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Yuliya Dunaway <b>Violation Number</b> 10 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.42(e)(5)	<b>Docket No.</b> 2007-1516-PWS-E	<b>PCW</b> <small>Policy Revision 2 (September 2002)          PCW Revision June 26, 2007</small>												
<b>Violation Description</b> Failed to completely cover the hypochlorination solution container top to prevent the entrance of dust, insects, and other contaminants. Specifically, at the time of the investigation, the top of the hypochlorination solution container was not properly covered and sealed.														
<b>Base Penalty</b>		\$1,000												
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>														
OR	<b>Release</b> Actual Potential	<b>Harm</b> Major    Moderate    Minor <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; height: 20px;"></td> <td style="width: 33%; height: 20px;"></td> <td style="width: 33%; height: 20px;"></td> </tr> <tr> <td style="height: 20px;"></td> <td style="height: 20px;"></td> <td style="height: 20px; text-align: center;">x</td> </tr> </table>						x	<b>Percent</b> 5%					
			x											
<b>&gt;&gt; Programmatic Matrix</b>														
Falsification    Major    Moderate    Minor <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> </tr> </table>					<b>Percent</b> 0%									
<b>Matrix Notes</b>	Without proper containment of chemicals customers of the water supply could be exposed to an insignificant amount of contaminants, which would not exceed levels that are protective of human health.													
<b>Adjustment</b>		\$950												
		\$50												
<b>Violation Events</b>														
Number of Violation Events 1		61 Number of violation days												
mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30px;">daily</td><td style="width: 50px;"></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	x	<b>Violation Base Penalty</b> \$50
daily														
monthly														
quarterly														
semiannual														
annual														
single event	x													
One single event is recommended.														
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>												
Estimated EB Amount \$2		Violation Final Penalty Total \$61												
		This violation Final Assessed Penalty (adjusted for limits) \$61												

**Economic Benefit Worksheet**

Respondent City of Tatum  
Case ID No. 34636  
Reg. Ent. Reference No. RN101255800  
Media Public Water Supply  
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$50	18-Jul-2007	1-Apr-2008	0.7	\$0	\$2	\$2
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to properly cover the hypochlorination solution container, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

# Compliance History

Customer/Respondent/Owner-Operator:	CN600689624	City of Tatum	Classification: AVERAGE	Rating: 2.49
Regulated Entity:	RN101255800	CITY OF TATUM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2010034	
	WATER LICENSING	LICENSE	2010034	
Location:	680 CRYSTAL FARMS RD, TATUM, TX, 75691			
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	September 11, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 01, 2002 to August 31, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Yuliya Dunaway	Phone:	(210) 403-4077	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
  - 1 10/29/2002 (14537)
  - 2 05/17/2006 (460382)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 

Date:	10/25/2002	(14537)		
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)			
Description:	Failure to maintain a proper screen on the casing vent.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)			
Description:	Failure to have a water level indicator gauge of at least 3 inches in diameter. Failure to use a guage of at least three inches			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)			
Description:	Failure to maintain proper concrete sealing block.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)			
Description:	Failure to maintain the required service pump capacity.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)			
Description:	Failure to maintain a Customer Service Inspection program.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)			
Description:	Failure to maintain working scales.			
Date:	05/22/2006	(460382)		
Self Report?	NO		Classification:	Moderate



Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(D)		
Description:	5A THC Chapter 341, SubChapter A 341.036[G]		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	5A THC Chapter 341, SubChapter A 341.036[G]		
	Failure to provide for commission review an approved sanitary control easement, ordinance, deed or exception letter.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(6)		
Description:	Failure to ventilate anhydrous ammonia enclosure.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(j)		
Description:	Failure to provide NSF 60 documentation for treatment chemicals.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)		
Description:	Failure to have a plant operations manual.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain intruder resistant fences.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(8)		
Description:	Failure to maintain storage tanks in according with AWWA standards.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)		
Description:	Failure to provide a properly designed overflow flap.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)		
Description:	Failure to maintain operating records according to standards.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)		
Description:	Failure to conduct storage tank inspections		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF TATUM  
RN101255800

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2007-1516-PWS-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Tatum ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a public water supply at 680 Crystal Farms Road in Tatum, Rusk County, Texas (the "Facility") that has approximately 520 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
3. The City received notice of the violations alleged in Section II ("Allegations") on or about September 12, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Two Thousand Three Hundred Forty-Three Dollars (\$2,343) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid One Thousand Eight Hundred Seventy-Five Dollars (\$1,875) of the administrative penalty and Four Hundred Sixty-Eight Dollars (\$468) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the



City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the City is alleged to have:

1. Failed to prevent livestock from being within 50 feet of the water supply well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(D), as documented during an investigation conducted on July 18, 2007.
2. Failed to secure a sanitary control easement covering all property within 150 feet of the water system's two active wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on July 18, 2007.
3. Failed to provide adequate ventilation to the outside atmosphere for the housed anhydrous ammonia equipment located at Plant No. 1, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(6), as documented during an investigation conducted on July 18, 2007.
4. Failed to compile and maintain a thorough plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on July 18, 2007.
5. Failed to provide a properly constructed intruder-resistant fence in order to protect the system's ground and elevated storage tanks and failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the systems facilities and equipment, in violation of 30 TEX. ADMIN. CODE §§ 290.43(e) and 290.46(m), as documented during an investigation conducted on July 18, 2007.



6. Failed to maintain records of water works operation and maintenance activities and make them available to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f), as documented during an investigation conducted on July 18, 2007.
7. Failed to inspect the system's ground and elevated storage tanks annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on July 18, 2007.
8. Failed to provide documentation that all chemicals or replacement process media used in the interior coating applied to the ground storage tank at Plant No. 3 conform to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 61 for indirect additives, in violation of 30 TEX. ADMIN. CODE § 290.42(j), as documented during an investigation conducted on July 18, 2007.
9. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the water system, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on July 18, 2007.
10. Failed to completely cover the hypochlorination solution container top to prevent the entrance of dust, insects, and other contaminants, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(5), as documented during an investigation conducted on July 18, 2007.

### **III. DENIALS**

The City generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Tatum, Docket No. 2007-1516-PWS-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the City shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:



- i. Prepare and begin maintaining a thorough plant operations manual for operator review and reference, as required by 30 TEX. ADMIN. CODE § 290.42;
  - ii. Provide a functional ventilation fan where the anhydrous ammonia is housed, as required by 30 TEX. ADMIN. CODE § 290.42;
  - iii. Prepare and begin maintaining an up-to-date chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.121;
  - iv. Ensure that monthly water works operation reports and maintenance records are properly completed and maintained, including but not limited documenting activities of water line repairs, as required by 30 TEX. ADMIN. CODE § 290.46;
  - v. Ensure that the calcium hypochlorination solution container is completely covered and properly sealed, as required by 30 TEX. ADMIN. CODE § 290.42; and
  - vi. Conduct an annual inspection of the system's ground and elevated storage tanks, as required by 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 60 days after the effective date of this Agreed Order:
- i. Submit documentation to show that the interior coating applied to the ground storage tank at Plant No. 3 conforms to ANSI/NSF 61 Standard, as required by 30 TEX. ADMIN. CODE § 290.42; and
  - ii. Repair the barbed wire on the intruder-resistant fence around the raw water storage tank at Plant No. 2 and trim or remove tree branches and vines that are growing through the fence around the elevated storage tank and standpipe at Plant No. 2, as required by 30 TEX. ADMIN. CODE §§ 290.43 and 290.46.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 90 days after the effective date of this Agreed Order:
- i. Obtain a sanitary control easement that covers the land within 150 feet of each well, as required by 30 TEX. ADMIN. CODE § 290.41 or obtain an exception to the rule, as required by 30 TEX. ADMIN. CODE § 290.39; and
  - ii. Ensure that livestock are not allowed within 50 feet of each well, as required by 30 TEX. ADMIN. CODE § 290.41.





- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Tyler Regional Office  
Texas Commission on Environmental Quality  
2916 Teague Drive  
Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.



7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Erdlin  
For the Executive Director

3/5/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
  - Greater scrutiny of any permit applications submitted;
  - Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
  - Increased penalties in any future enforcement actions;
  - Automatic referral to the Attorney General's Office of any future enforcement actions; and
  - TCEQ seeking other relief as authorized by law.
- In addition, any falsification of any compliance documents may result in criminal prosecution.

Phil Cory  
Signature

12/12/07  
Date

Phil Cory  
Name (Printed or typed)  
Authorized Representative of  
City of Tatum

Mayor  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

